

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

TO: Interested Parties

FROM: Patricia Martinez
Director
Department of Children, Youth and Families

DATE: February 15, 2008

SUBJECT: Proposed DCYF Rule

DCYF rule, Services to Youth Ages 18-21 is effective February 25, 2008. This new rule provides for the delivery of appropriate mental health services to children with serious emotional disturbance and/or functional developmental disabilities as defined in RIGL 42-72-5 and aftercare services and supports to eligible youth between the ages of 18 through 21 who were formerly in foster care.

This rule was advertised for promulgation in accordance with the Administrative Procedures Act (Title 42, Chapter 35 of the Rhode Island General Laws) and a Public Hearing was held on Tuesday, January 8, 2008. The rule is accessible through the Secretary of State's Rules and Regulations Search Interface (<http://www.rules.state.ri.us/rules/>) and, for a limited period of time, the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3686).

In response to public comments, the Department clarified language and made the following revisions to the original proposal. Listed below are the issues of concern and the Department's response.

Issue 1: The Department was asked why we would provide that a youth, between 18-21 years of age with a serious emotional disturbance (SED) or a functional developmental disability (DD), who began to receive DCYF services prior to attaining 18 years of age and is considered to be a child, in accordance with RIGL 42-72-3, has the ability to continue to authorize, voluntarily withdraw or re-engage in services without involvement of parent or guardian.

Response: Upon review of this provision and considering that, in accordance with RIGL 42-72-3, a youth between eighteen (18) and twenty-one (21) years of age with a serious emotional disturbance (SED) or a functional developmental disability (DD), who began to receive services from the Department prior to attaining eighteen (18) years of age, is considered a child, reference to youth voluntarily withdrawing and re-engaging in services was removed. The law provides that the Department will continue services, if the youth is in need of DCYF services, until the youth reaches the age of 21.

Issue 2: It was suggested that DCYF determine the need for a legal guardian for a youth with a serious emotional disturbance (SED) or a functional developmental disability (DD) at age 18, not 21.

Response: We omitted reference to determining the need for a guardian at age 21 in the final rule. Consistent with other revisions to the rule to clarify that, in accordance with RIGL 42-72-3, a youth between eighteen (18) and twenty-one (21) years of age with a serious emotional disturbance (SED) or a functional developmental disability (DD), who began to receive services from the Department prior to attaining eighteen (18) years of age, is considered a child, we believe that it is not necessary to determine the need for a legal guardian at age 18. As noted above, the Department will continue needed services until the youth reaches the age of 21.

Issue 3: Concern was expressed that eligibility criteria for aftercare services for youth who are closed to DCYF upon reaching the age of 18, is subjective and decisions are made on a case by case basis, with no guarantee of equal access for all eligible youth.

Response: The Department's comprehensive assessment and service planning process provides the basis for worker and supervisor to determine the needs of a youth. If a youth is in need of aftercare

services and meets the eligibility criteria, the youth will be referred for aftercare services. In accordance with the rule, if all funds appropriated in the quarterly allotments for the aftercare services program as referenced in RIGL 42-72-5 (e) are committed during the fiscal year, names of eligible youth will be entered on a waiting list.

Issue 4: It was suggested that, in the event aftercare services are interrupted due to an insufficiency of funds, a youth should have priority in re-engaging in services when funding becomes available.

Response: The Department added language to provide that these youth shall have priority in re-engaging in such services once funding becomes available.

Issue 5: It was suggested that an eligible youth, who is refusing aftercare services, be informed in writing and be required to sign a document acknowledging that the youth may request aftercare services within six (6) months.

Response: The policy provides that a youth who initially declines aftercare services may opt to receive services within six (6) months of the date of case closure to the Department. The youth will be asked to sign a document that provides this information in writing.

Issue 6: It was suggested that aftercare and health plan providers make every effort to assist youth in maintaining eligibility for Medical Assistance through reminders and assistance in completing annual redetermination forms.

Response: We understand that the health plans are very helpful to the Department of Human Services with outreach and retention and we believe that the same assistance will be afforded to this vulnerable population. Aftercare services providers will provide assistance in this area.

Issue 7: Clarification was requested regarding the length of time a youth must be in foster care in order to be eligible for aftercare services.

Response: There is no requirement that the youth must be in foster care for any specified period of time.

Issue 8: Concern was expressed that there is a requirement that a youth must be employed full time or enrolled in a full time educational/vocational program in order to be eligible for aftercare services.

Response: There is no requirement for full time employment or education or vocational training for a youth to be eligible to receive aftercare services.

Issue 9: It was suggested that the Department ensure that youth who will be closed to DCYF upon reaching the age of 18 and referred to aftercare services will be assisted in obtaining critical documents.

Response: This rule, in addition to other DCYF policies, requires staff to provide or to assist youth in obtaining critical documents. The Department has initiated discussions with other agencies to facilitate a process for youth to obtain picture identification.

Issue 10: It was suggested that appeals regarding services for 18 to 21 year olds be simplified, given priority and heard no later than thirty (30) days after denial. It was also requested that the form used to request an appeal be posted online.

Response: The Department will expedite these appeals to the best of our ability and control. We will post the DCYF # 016, Formal Request for Hearing on our website (<http://www.dcyf.ri.gov>).

If you have any questions or concerns relating to this distribution, please contact Dorothy Hultine, Implementation Director for Policy & Programs by phone (528-3581) or e-mail (Dorothy.Hultine@dcyf.ri.gov).

Thank you for your attention to this matter.